

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ANTONIO HAWKINS,

Plaintiff,

V.

LT. LAMBERT, *et al.*,

Defendants.

Civil Action No. 7:21cv00309

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Antonio Hawkins, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On October 10, 2023, the defendants filed a motion for summary judgment, arguing that Hawkins failed to exhaust available administrative remedies as to his claims before filing this action. (*See* ECF No. 48 & 49.) On October 11, 2023, the court issued a notice, required by *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005), giving Hawkins 21 days to file a response to the motion and advising him that, if he did not respond to the defendants’ motion, the court would “assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant[s] state[] in their responsive pleading(s).” (ECF No. 50.) The notice further advised Hawkins that, if he wished to continue with the case, it was “necessary that [he] respond in an appropriate fashion,” and that if he failed to file a response to the motion within the time allotted, the court “may dismiss the case for failure to prosecute.” (*Id.*)

To date, Hawkins has not responded to the motion or the court's notice and, therefore, the court will dismiss this action without prejudice for failure to prosecute.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 9th day of November, 2023.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE